

II. REMARKS

In the Office Action, all claims have been rejected pursuant to 35 U.S.C. Sec. 103 for reasons set forth in the Office Action.

However, the amendment filed November 19, 2008, apparently was not considered. The Office Action is therefore believed to be defective. Applicant requests that the Office Action be withdrawn and reissued.

In addition, please consider the Supplemental Declaration and evidence of reduction to practice submitted herewith. Applicant respectfully submits that, in view of the two declarations and corroborating evidence (Business Wire article, log of an actual chat session, and a screen shot showing the encryption screen as used), Prodigy did in fact release a commercial product that did in fact reduce the invention to practice in the United States at a time prior to May 5, 1999.

With respect to the present application, the Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer, if any, and the prior art that it was made to avoid, may need to be revisited. Nor should a disclaimer, if any, in the present application be read back into any predecessor or related application.

APPLICANT CLAIMS LARGE ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,



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